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BOOK REVIEWS

Loan and Hire. By T. Baty, D.C.L. Tokio, Maruzen Co.; London, Sweet & Maxwell. 1918. pp. viii, 178.

This little volume contains an interesting re-statement of a considerable portion of the law of bailments. It represents, as well, a sort of cross-section through the law, cutting across such subjects as contracts, torts, property, and negotiable instruments. Herein may be seen the chief defect of the book; for in such brief compass it is impossible to treat adequately the principles necessarily involved. The work is chiefly in the field of contract, and the entire first chapter is devoted to a statement of the principles governing the formation of contracts in general. In the main, this statement is exceptionally clear and accurate, and it is full of acute observations. The author discusses well the rules relating to notice of acceptance of an offer; in the matter of delivery of a written document subject to a parol condition he sees a point overlooked by many learned writers; he agrees with Holland that the operative facts are the *expressions* of consent and not the mental consent itself. At the same time, in discussing impossibility, he apparently fails to perceive that the existing legal relations are frequently outright constructions of law not based upon any consent or any expression thereof.

That the subject carries the author into the field of torts is indicated by the fact that he discusses such cases as *Allen v. Flood* [1898] A. C. 1, and *Blades v. Higgs* (1861) 10 C. B. N. S. 713; yet he gives us no introductory discussion of the principles of tort.

In *Loan and Hire* the author has chosen a *popular* subject, one that is very difficult of technical definition or analysis. A loan of goods is very different from a loan of money, but both must be treated. Furthermore, the author's legal analysis and the statement of legal principle are so clear and suggestive that it is believed he would welcome the assistance he could obtain from the system of Professor W. N. Hohfeld as explained in *Fundamental Legal Conceptions* (1913) 23 YALE LAW JOURNAL, 16, and (1917) 26 *ibid.* 710.

A. L. C.

Manual of Federal Procedure, 2d edition. By Charles C. Montgomery. San Francisco, Bancroft-Whitney Company. 1918. pp. 1222.

From the time that Desty's *Federal Procedure* was first offered to an appreciative profession, the subjects of jurisdiction of, and pleading and practice in, the Federal courts have been attractive to text writers and digesters. Since 1887, successive changes in the judicial system and the radical changes worked by the new equity rules have thrown one-time valuable books into the discard and opened the most important part of the field to re-exploitation.

The latest contribution to the highly specialized subject of Federal Procedure is the second edition of Professor Charles C. Montgomery's *Manual*. We speak of this book with feelings of great satisfaction. The first thing that strikes us is the author's sense of proportion in his outline of the subject, and the symmetrical lines on which he has developed it. No less commendable is the author's happy combination of quoted statutes and rules with annotations and commentary in juxtaposition.

The author has gathered into one volume of convenient size all the statutes and court rules bearing on the subject of procedure, at law, in equity, and in

criminal cases, and the special procedure for removal and appeal and error. The book is the most satisfactory work on the subject that we know of, for both practitioner and student.

J. W.

Connecticut Workmen's Compensation Commission Digest, Vol. II, June 1, 1916, to May 31, 1918. Published by the State of Connecticut. Hartford. 1918. Part I, pp. 702, Part II, pp. 192.

This volume of compensation reports shows that the Connecticut Workmen's Compensation Commissioners are continuing to display the same conscientious, intelligent and able application of this wise act of constructive legislation to cases of industrial accidents that they have shown since they first commenced their work. The State Comptroller in the Preface points out that the decisions are selections only from among those made by the Commissioners and that each Commissioner has prepared his own decisions for publication, thus making uniformity of style impossible. The book is termed a "Digest" on the cover, a "Compendium of Awards" on the title page, and a "Compendium of Decisions" in the Preface, but its true nature as a volume of compensation reports is indicated by its proper title of "2 Connecticut Compensation Decisions." As such, a reporter is necessary to make a judicious selection of cases, which avoids duplication but nevertheless states the law fully. As it is, the usefulness of the book is much impaired by lack of careful editing. To cite but one example, only one case referred to under the appropriate index heading deals with a commissioner's power to amend or correct his own finding after appeal, and this is a ruling by a commissioner that he has no jurisdiction to act. If this is law, it is a serious defect in the statute, since the practice of the commissioners in filing their findings when the decision is made, rather than after submitted requests for findings from the parties—a practice which has much to commend it—has the disadvantage that a fact necessary or important on appeal is often inadvertently omitted by the commissioner. At least one commissioner has, however, ruled repeatedly that he may supply such facts and the Supreme Court has seen no impropriety in his action. Careful editing would exclude all but the decisive ruling on a point, or, in default of such ruling, would supply all the decisions upon the point.

The reprinting of the Supreme Court decisions officially reported seems hardly necessary. In any event cross references by pages to the other reports of the same case would be helpful. It may be questioned whether on cases appealed to the Supreme Court the decision of the Compensation Commissioner and of the Superior Court should be printed, particularly where these decisions are reversed. The decision of the highest court is the only binding authority and the other decisions only occupy needed space, when they are not actually confusing.

The Index is not very complete and hence not very helpful. Thus there are thirty-three references without any discriminating sign under the one topic—"arising out of employment." The fact that this second volume is itself in two parts each separately paged leads to confusion in citation. Moreover, many typographical errors have escaped the proof reader.

The reception accorded the first volume of this series shows that these reports are a necessary part of our compensation law. Because of this, as well as because of the intrinsic value of the decisions themselves, they deserve careful preparation under the direction of State authority before they are offered to the public in book form.